



January 31, 2001

SENATE BILL No. 7

DIGEST OF SB 7 (Updated January 18, 2001 12:52 pm - DI kc)

Citations Affected: IC 4-6; IC 4-21.5; IC 25-1; IC 25-5.2; IC 35-46.

Synopsis: Uniform athlete agents act. Establishes registration requirements for an athlete agent. Authorizes the attorney general to regulate athlete agents. Establishes requirements for agency contracts between student athletes and athlete agents. Allows a student athlete to cancel an agency contract within 14 days after the contract is signed. Establishes various criminal and civil penalties for violation of the act. Authorizes an action by an educational institution against an athlete agent or a former student athlete for damages caused by violation of the act. Modifies the crime of failure to disclose recruitment to include failure to disclose an endorsement contract ten days before the contract is executed.

Effective: July 1, 2001.

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January 8, 2001, read first time and referred to Committee on Rules and Legislative Procedure.
January 30, 2001, amended; reassigned to Committee on Judiciary.

SB 7—LS 6223/DI 13+



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January 31, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 7

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-6-2-1.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.1. The attorney
3 general has concurrent jurisdiction with the prosecuting attorney in the
4 prosecution of the following:

5 (1) Actions in which a person is accused of committing, while a
6 member of an unlawful assembly as defined in IC 35-45-1-1, a
7 homicide (IC 35-42-1).

8 (2) Actions in which a person is accused of assisting a criminal
9 (IC 35-44-3-2), if the person alleged to have been assisted is a
10 person described in subdivision (1) of this section.

11 (3) Actions in which a sheriff is accused of any offense that
12 involves a failure to protect the life of a prisoner in the sheriff's
13 custody.

14 **(4) Actions in which a person is accused of failure to disclose**
15 **recruitment (IC 35-46-4).**

16 SECTION 2. IC 4-6-2-1.3 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2001]: **Sec. 1.3. The attorney general shall perform all functions, duties, and responsibilities necessary to regulate athlete agents under IC 25-5.2.**

SECTION 3. IC 4-21.5-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) Notice must be given under this section concerning the following:

(1) The grant, renewal, restoration, transfer, or denial of a license by the bureau of motor vehicles under IC 9.

(2) The grant, renewal, restoration, transfer, or denial of a noncommercial fishing or hunting license by the department of natural resources under IC 14.

(3) The grant, renewal, restoration, transfer, or denial of a license by a board described in IC 25-1-8-1.

(4) The grant, renewal, suspension, revocation, or denial of a certificate of registration under IC 25-5.2.

(5) A personnel decision by an agency.

~~(5)~~ **(6)** The grant, renewal, restoration, transfer, or denial of a license by the department of environmental management or the commissioner of the department under the following:

(A) Environmental management laws (as defined in IC 13-11-2-71) for the construction, installation, or modification of:

(i) sewers and appurtenant facilities, devices, or structures for the collection and transport of sewage (as defined in IC 13-11-2-200) or storm water to a storage or treatment facility or to a point of discharge into the environment; or

(ii) pipes, pumps, and appurtenant facilities, devices, or structures that are part of a public water supply (as defined in IC 13-11-2-177) and that are used to transport water to a storage or treatment facility or to distribute water to the users of the public water supply;

where a federal, state, or local governmental body has given or will give public notice and has provided or will provide an opportunity for public participation concerning the activity that is the subject of the license.

(B) Environmental management laws (as defined in IC 13-11-2-71) for the registration of a device or a piece of equipment.

(C) IC 13-17-6-1 for a person to engage in the inspection, management, and abatement of asbestos containing material.

(D) IC 13-18-11 for a person to operate a wastewater treatment plant.



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(E) IC 13-15-10 for a person to operate the following:

- (i) A solid waste incinerator or a waste to energy facility.
- (ii) A land disposal site.
- (iii) A facility described under IC 13-15-1-3 whose operation could have an adverse impact on the environment if not operated properly.

(F) IC 13-20-4 for a person to operate a municipal waste collection and transportation vehicle.

(b) When an agency issues an order described by subsection (a), the agency shall give a written notice of the order to the following persons:

- (1) Each person to whom the order is specifically directed.
- (2) Each person to whom a law requires notice to be given.

A person who is entitled to notice under this subsection is not a party to any proceeding resulting from the grant of a petition for review under section 7 of this chapter unless the person is designated as a party on the record of the proceeding.

(c) The notice must include the following:

- (1) A brief description of the order.
- (2) A brief explanation of the available procedures and the time limit for seeking administrative review of the order under section 7 of this chapter.
- (3) Any information required by law.

(d) An order under this section is effective when it is served. However, if a timely and sufficient application has been made for renewal of a license described by subsection (a)(3) and review is granted under section 7 of this chapter, the existing license does not expire until the agency has disposed of the proceeding under this chapter concerning the renewal, unless a statute other than this article provides otherwise. This subsection does not preclude an agency from issuing under IC 4-21.5-4 an emergency or other temporary order with respect to the license.

(e) If a petition for review of an order described in subsection (a) is filed within the period set by section 7 of this chapter and a petition for stay of effectiveness of the order is filed by a party or another person who has a pending petition for intervention in the proceeding, an administrative law judge shall, as soon as practicable, conduct a preliminary hearing to determine whether the order should be stayed in whole or in part. The burden of proof in the preliminary hearing is on the person seeking the stay. The administrative law judge may stay the order in whole or in part. The order concerning the stay may be issued after an order described in subsection (a) becomes effective. The resulting order concerning the stay shall be served on the parties and

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any person who has a pending petition for intervention in the proceeding. It must include a statement of the facts and law on which it is based.

SECTION 4. IC 25-1-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home park licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.



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(28) Athlete agents.

SECTION 5. IC 25-1-2-6, AS AMENDED BY P.L.82-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private detectives licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.



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- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) **Attorney general (only for the regulation of athlete agents).**
- (41) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 6. IC 25-5.2 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

ARTICLE 5.2. ATHLETE AGENTS

Chapter 1. Short Title and Definitions

Sec. 1. This article may be cited as the Uniform Athlete Agents Act.

Sec. 2. The following definitions apply throughout this article:

- (1) "Agency contract" means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports services contract or an endorsement contract.
- (2) "Applicant" means an individual who applies for a certificate of registration as an athlete agent under this article.
- (3) "Athlete agent" means an individual who enters into an agency contract with a student athlete or, directly or indirectly, recruits or solicits a student athlete to enter into an agency contract. The term includes an individual who represents to the public that the individual is an athlete agent. The term does not include a spouse, parent, sibling,



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grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.

(4) "Athletic director" means an individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

(5) "Contact" means a communication, direct or indirect, between an athlete agent and a student athlete, to recruit or solicit the student athlete to enter into an agency contract.

(6) "Endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the student athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.

(7) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of collegiate athletics.

(8) "Person" means an individual, a corporation, a business trust, an estate, a trust, a partnership, a limited liability company, an association, a joint venture, a government, a governmental subdivision, an agency, or an instrumentality, a public corporation, or any other legal or commercial entity.

(9) "Professional sports services contract" means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete.

(10) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(11) "Registration" means registration as an athlete agent under this article.

(12) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(13) "Student athlete" means an individual who engages in, is

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eligible to engage in, or may be eligible in the future to engage in any intercollegiate sport. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student athlete for purposes of that sport.

Chapter 2. Athlete Agent Registration

Sec. 1. (a) By acting as an athlete agent in Indiana, a nonresident individual appoints the attorney general as the individual's agent for service of process in any civil action in Indiana related to the individual's acting as an athlete agent in Indiana.

(b) The attorney general may issue subpoenas for any material that is relevant to the administration of this article.

Sec. 2. (a) Except as otherwise provided in subsection (b), an individual may not act as an athlete agent in Indiana without holding a certificate of registration under section 4 or 6 of this chapter.

(b) Before being issued a certificate of registration, an individual may act as an athlete agent in Indiana for all purposes except signing an agency contract, if:

- (1) a student athlete or another person acting on behalf of the student athlete initiates communication with the individual; and
- (2) within seven (7) days after an initial act as an athlete agent, the individual submits an application for registration as an athlete agent in Indiana.

(c) An agency contract resulting from conduct in violation of this section is void and the athlete agent shall return any consideration received under the contract.

Sec. 3. (a) An applicant for registration shall submit an application for registration to the attorney general in a form prescribed by the attorney general. An application filed under this section is a public record under IC 5-14-3. The application must be in the name of an individual and, except as otherwise provided in subsection (b), signed or otherwise authenticated by the applicant under penalty of perjury and contain the following information:

- (1) The name of the applicant and the address of the applicant's principal place of business.
- (2) The name of the applicant's business or employer, if applicable.
- (3) Any business or occupation engaged in by the applicant for the five (5) years immediately preceding the date of submission of the application.



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- (4) A description of the applicant's:
 - (A) formal training as an athlete agent;
 - (B) practical experience as an athlete agent; and
 - (C) educational background relating to the applicant's activities as an athlete agent.
 - (5) The names and addresses of three (3) individuals not related to the applicant who are willing to serve as references.
 - (6) The name, sport, and last known team for each individual for whom the applicant acted as an athlete agent during the five (5) years immediately preceding the date of submission of the application.
 - (7) The names and addresses of all persons who are:
 - (A) with respect to the athlete agent's business if it is not a corporation, the partners, members, officers, managers, associates, or profit sharers of the business; and
 - (B) with respect to a corporation employing the athlete agent, the officers, directors, and any shareholder of the corporation having an interest of five percent (5%) or greater.
 - (8) Whether the applicant or any person named in subdivision (7) has been convicted of a crime that, if committed in Indiana, would be a crime involving moral turpitude or a felony, and identify the crime.
 - (9) Whether there has been any administrative or judicial determination that the applicant or any person named in subdivision (7) has made a false, misleading, deceptive, or fraudulent representation.
 - (10) A description of any instance in which the conduct of the applicant or any person named in subdivision (7) resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event on a student athlete or educational institution.
 - (11) A description of any sanction, suspension, or disciplinary action taken against the applicant or any person named in subdivision (7) arising out of occupational or professional conduct.
 - (12) Whether there has been any denial of an application for, suspension or revocation of, or refusal to renew the registration or licensure of the applicant or any person named in subdivision (7) as an athlete agent in any state.
- (b) An individual who has submitted an application for and

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holds a certificate of registration or licensure as an athlete agent in another state may submit a copy of the application and certificate instead of submitting an application in the form prescribed under subsection (a). The executive director shall accept the application and the certificate from the other state as an application for registration in Indiana if the application to the other state:

- (1) was submitted in the other state within six (6) months immediately preceding the submission of the application in Indiana and the applicant certifies that the information contained in the application is current;
- (2) contains information substantially similar to or more comprehensive than that required in an application submitted in Indiana; and
- (3) was signed by the applicant under penalty of perjury.

Sec. 4. (a) Except as otherwise provided in subsection (b), the attorney general shall issue a certificate of registration to an individual who complies with the requirements of section 3(a) of this chapter or whose application has been accepted under section 3(b) of this chapter.

(b) The attorney general may refuse to issue a certificate of registration if the attorney general determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to act as an athlete agent. In making the determination, the attorney general may consider whether any of the following apply to the applicant:

- (1) The applicant has been convicted of a crime that, if committed in Indiana, would be a crime involving moral turpitude or a felony.
- (2) The applicant made a materially false, misleading, deceptive, or fraudulent representation in the application or as an athlete agent.
- (3) The applicant has engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity.
- (4) The applicant has engaged in conduct prohibited by section 12 of this chapter.
- (5) The applicant has had a registration or a license as an athlete agent suspended, revoked, or denied or been refused renewal of a registration or a license as an athlete agent in any state.
- (6) The applicant has engaged in conduct the consequences of which were that a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or



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intercollegiate athletic event was imposed on a student athlete or educational institution.

(7) The applicant has engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity.

(c) In making a determination under subsection (b), the attorney general shall consider the following:

(1) How recently the conduct occurred.

(2) The nature of the conduct and the context in which it occurred.

(3) Any other relevant conduct of the applicant.

(d) An athlete agent may apply to renew a registration by submitting an application for renewal in a form prescribed by the attorney general. An application filed under this subsection is a public record under IC 5-14-3. The application for renewal must be signed by the applicant under penalty of perjury and must contain current information on all matters required by section 3(a) of this chapter for an original registration.

(e) An individual who has submitted an application for renewal of a registration or a license in another state, instead of submitting an application for renewal in the form prescribed under subsection (d), may file a copy of the application for renewal and a valid certificate of registration or a valid license from the other state. The attorney general shall accept the application for renewal from the other state as an application for renewal in Indiana if the application to the other state:

(1) was submitted in the other state within six (6) months immediately preceding the filing in Indiana and the applicant certifies that the information contained in the application for renewal is current;

(2) contains information substantially similar to or more comprehensive than that required in an application for renewal submitted in Indiana; and

(3) was signed by the applicant under penalty of perjury.

(f) A certificate of registration or a renewal of a registration is valid for two (2) years.

Sec. 5. (a) The attorney general may suspend, revoke, or refuse to renew a certificate of registration for conduct that would have justified denial of registration under section 4(b) of this chapter.

(b) The attorney general may deny, suspend, revoke, or refuse to renew a certificate of registration only after proper notice and an opportunity for a hearing under IC 4-21.5.



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1 Sec. 6. The attorney general may issue a temporary certificate
2 of registration while an application for registration or renewal of
3 registration is pending.

4 Sec. 7. A fee established by the attorney general in accordance
5 with IC 25-1-8-2 must accompany an application for registration
6 or renewal of registration.

7 Sec. 8. (a) An agency contract must be in a record, signed or
8 otherwise authenticated by the parties.

9 (b) An agency contract must contain the following:

10 (1) The amount and method of calculating the consideration
11 to be paid by the student athlete for services to be provided by
12 the athlete agent under the contract and any other
13 consideration the athlete agent has received or will receive
14 from any other source for entering into the contract or for
15 providing the services.

16 (2) The name of any person not listed in the application for
17 registration or renewal of registration who will be
18 compensated because the student athlete signed the agency
19 contract.

20 (3) A description of any expenses that the student athlete
21 agrees to reimburse.

22 (4) A description of the services to be provided to the student
23 athlete.

24 (5) The duration of the contract.

25 (6) The date of execution.

26 (c) An agency contract must contain, in close proximity to the
27 signature of the student athlete, a conspicuous notice in boldface
28 type in capital letters stating:

29 **WARNING TO STUDENT ATHLETE**

30 **IF YOU SIGN THIS CONTRACT:**

31 **(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE**
32 **AS A STUDENT ATHLETE IN YOUR SPORT;**

33 **(2) IF YOU HAVE AN ATHLETIC DIRECTOR, BOTH YOU**
34 **AND YOUR ATHLETE AGENT MUST GIVE TO YOUR**
35 **ATHLETIC DIRECTOR THE TEN (10) DAY NOTICE**
36 **REQUIRED BY IC 25-5.2-2-9 AND IC 35-46-4-4 BEFORE**
37 **EXECUTING THIS CONTRACT; AND**

38 **(3) YOU MAY CANCEL THIS CONTRACT WITHIN**
39 **FOURTEEN (14) DAYS AFTER SIGNING IT.**
40 **CANCELLATION OF THIS CONTRACT MAY NOT**
41 **REINSTATE YOUR ELIGIBILITY.**

42 (d) An agency contract that does not conform to this section is

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voidable by the student athlete. If a student athlete voids an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract.

(e) The athlete agent shall give a record of the signed or otherwise authenticated agency contract to the student athlete at the time of execution.

Sec. 9. (a) At least ten (10) days before a student athlete enters into an agency contract, the athlete agent shall give in a record the notice required by IC 35-46-4-4 of the existence of the contract to the athletic director of the educational institution at which the student athlete is enrolled or the athlete agent has reasonable grounds to believe the student athlete intends to enroll.

(b) At least ten (10) days before entering into an agency contract, the student athlete shall inform the athletic director of the educational institution at which the student athlete is enrolled or intends to enroll that the student athlete intends to enter into an agency contract.

Sec. 10. (a) A student athlete may cancel an agency contract by giving notice of the cancellation to the athlete agent in a record within fourteen (14) days after the contract is signed.

(b) A student athlete may not waive the right to cancel an agency contract.

(c) If a student athlete cancels an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract.

Sec. 11. (a) An athlete agent shall retain the following records for a period of five (5) years:

(1) The name and address of each individual represented by the athlete agent.

(2) A copy of any agency contract entered into by the athlete agent.

(3) A record of any direct costs incurred by the athlete agent in the recruitment or solicitation of a student athlete to enter into an agency contract.

(b) Records required by subsection (a) to be retained are open to inspection by the attorney general during normal business hours.

Sec. 12. (a) An athlete agent who, with the intent to induce a student athlete to enter into an agency contract:

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1 (1) gives any materially false or misleading information or
 2 makes a materially false promise or representation;
 3 (2) furnishes anything of value to a student athlete before the
 4 student athlete enters into the agency contract; or
 5 (3) furnishes anything of value to any individual other than
 6 the student athlete or another registered athlete agent;
 7 commits a Class D felony.

8 (b) An athlete agent who intentionally:

9 (1) initiates contact with a student athlete unless registered
 10 under this article;
 11 (2) refuses or fails to retain or permit inspection of the
 12 records required to be retained by section 11 of this chapter;
 13 (3) fails to register when required by section 2 of this chapter;
 14 (4) provides materially false or misleading information in an
 15 application for registration or renewal of registration;
 16 (5) predates or postdates an agency contract; or
 17 (6) fails to notify a student athlete before the student athlete
 18 signs or otherwise authenticates an agency contract for a
 19 particular sport that the signing or authentication may make
 20 the student athlete ineligible to participate as a student athlete
 21 in that sport;
 22 commits a Class D felony.

23 Sec. 13. (a) An educational institution has a right of action
 24 against an athlete agent or a former student athlete for damages
 25 caused by a violation of this article. In an action under this section,
 26 the court may award to the prevailing party costs and reasonable
 27 attorney's fees.

28 (b) Damages of an educational institution under subsection (a)
 29 include losses and expenses incurred because, as a result of the
 30 conduct of an athlete agent or former student athlete, the
 31 educational institution was injured by a violation of this article or
 32 was penalized, disqualified, or suspended from participation in
 33 athletics by a national association for the promotion and regulation
 34 of athletics, by an athletic conference, or by reasonable
 35 self-imposed disciplinary action taken to mitigate sanctions likely
 36 to be imposed by such an organization.

37 (c) A right of action under this section does not accrue until the
 38 educational institution discovers or by the exercise of reasonable
 39 diligence would have discovered the violation by the athlete agent
 40 or former student athlete.

41 (d) Any liability of the athlete agent or the former student
 42 athlete under this section is several and not joint.



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(e) This article does not restrict rights, remedies, or defenses of any person under law or equity.

Sec. 14. (a) A person who violates this article is subject to a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each violation, as determined by the court. All civil penalties recovered under this chapter shall be deposited in the state general fund.

(b) In addition to the civil penalty imposed under subsection (a), the attorney general may restrict, suspend, or revoke a certificate of registration of an athlete agent for violation of this article.

(c) The attorney general may institute and conduct an action in the name of the state of Indiana for any of the following:

(1) An injunction in any circuit or superior court of Indiana for injunctive relief to restrain a person from continuing any activity that violates this article.

(2) The assessment and recovery of the civil penalty provided in subsection (a).

(3) The criminal penalties as provided in section 12 of this chapter.

Sec. 15. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.

Sec. 16. The provisions of this article governing the legal effect, validity, or enforceability of electronic records or signatures, and of contracts formed or performed with the use of such records or signatures conform to the requirements of Section 102 of the Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464 (2000), and supersede, modify, and limit the Electronic Signatures in Global and National Commerce Act.

SECTION 7. IC 35-46-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter, "agent contract" means a contract or agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete:

(1) **an agreement** with a professional sports team for:

(1) ~~(A)~~ the employment **of the student athlete** by a professional sports team **or organization**; or

(2) ~~(B)~~ the employment **of the student athlete** as a professional athlete; **or**

(2) **an endorsement contract.**



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SECTION 8. IC 35-46-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.5. As used in this chapter, "endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use, on behalf of the other party, any value that the student athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.

SECTION 9. IC 35-46-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. As used in this chapter, "professional sports services contract" means a contract or agreement in which a person is employed or agrees to render services:

- (1) as a player on a professional sports team; ~~or~~
- (2) as a professional athlete; ~~or~~
- (3) with a professional sports organization.

SECTION 10. IC 35-46-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. As used in this chapter, "student athlete" means a person who is:

- (1) enrolled ~~or intends to enroll~~ in a course of study in a public or private college or university; and
- (2) eligible to ~~participate~~ **engage** in, **or may be eligible in the future to engage in**, an intercollegiate sporting event, contest, exhibition, or program for the college or university in which the person is enrolled ~~or intends to enroll~~.

SECTION 11. IC 35-46-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. A person who knowingly or intentionally:

- (1) enters into an agent contract, **an endorsement contract**, or a professional sports services contract with a student athlete; and
- (2) no later than ten (10) days before the contract is executed, fails to give written notice to the head of the athletic department for the college or university in which the student athlete is enrolled as a student that identifies:

- (A) the name and business address of each party to the contract;
 - (B) whether the contract is an agent contract, **an endorsement contract**, or a professional sports services contract; and
 - (C) the date that the contract will be executed;
- commits failure to disclose recruitment, a Class D felony.



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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 7, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

(Reference is to SB 7 as introduced.)

GARTON, Chairperson

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